

Notice of Allowability

Application No.

10/575,390

Examiner

Sara Addisu

Applicant(s)

NICHOLAS, ROGER

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/2/07.
2. ☒ The allowed claim(s) is/are 1,2,4-9,12-16,18,19,21 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Hlavka on 9/11/07.

The application has been amended as follows:

- Claim 1, section (f), after the words "including at least one" add "relatively this slot and".
- Claim 4, replace "coupling portion" with "resilient portion".
- Claim 4, after the words "a plurality of" add "said".

Allowable Subject Matter

Claims 1, 2, 4-9, 12-16, 18, 19, 21 and 22 are allowed.

Regarding independent claims 1, 12, 15 and 21, the closest prior art to the instant invention is Pano (U.S. Patent No. 5,079,979). Pano teaches cutting tool assembly having tool holder (1), cutting insert (17) detachably held as well engaging the abutment walls of the insert seat (pocket) (15) of the insert holder/support member

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(13). The insert support member (13) is removable held in the tool holder by clamp (2) (see figures 2 & 3). Pano also teaches insert support member (13) having a pair of insert receiving pockets at opposite ends, body portion and clamping portion (14a) joined by a resilient coupling portion (Col. 3, lines 36-42). Furthermore, Pano teaches in figure 3 an aperture spaced from insert seat/pocket (15) and each pocket including a slot segment/slit (16) extending outwardly from the aperture.

However, regarding independent claim 1, Pano fails to anticipate or make obvious the resilient coupling portion including at least one relatively thin slot member as well as a laterally extending slot extending inwardly from said aperture. Regarding independent claim 12, Pano fails to anticipate or make obvious the resilient coupling portion including plurality of relatively thin slots intermediate said slot segments (16). Regarding independent claim 15, Pano fails to anticipate or make obvious the resilient portion (i.e. deformable portion) including plurality of relatively thin slots spaced inwardly with respect to said aperture. Regarding independent claim 21, Pano fails to anticipate or make obvious the resilient coupling portion including plurality of slots including a pair of upper and lower slots associated with one of said insert receiving pockets and another pair of upper and lower slots associated with another of said insert receiving pockets.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu
(571) 272-6082

SA
9/11/07

~~MONICA CARTER~~
~~SUPERVISORY PATENT EXAMINER~~

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER